

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

LARRY J. MELCHER, #277442	§	
	§	
V.	§	CIVIL ACTION NO. G-05-021
	§	
DOUG DRETKE, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL	§	
JUSTICE, CORRECTIONS	§	
INSTITUTIONS DIVISION		

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on April 11, 2005, which recommends that the Application for Writ of Habeas Corpus of Larry J. Melcher be dismissed with prejudice. Melcher has filed objections to the Report and Recommendation, arguing that his due process rights were violated during the course of his disciplinary hearing, regardless of whether or not he lost good time.

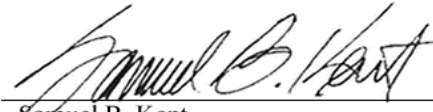
As correctly explained by the Magistrate Judge, due process concerns are not implicated with respect to disciplinary punishment unless actual good time has been taken. In this case, Petitioner lost no good time; his objections are without merit.

Having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of relevant law and it is, hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is **ORDERED** that the Application for Writ of Habeas Corpus of Larry J. Melcher is

DENIED and this cause is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 24th day of May, 2005.



Samuel B. Kent
United States District Judge